



Order Filed on October 19, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for THE BANK OF NEW YORK MELLON FKA THE
BANK OF NEW YORK, AS TRUSTEE (CWALT 2005-01CB)

In Re:

PATRICIA KENNEDY A/K/A PATRICIA ANNE KENNEDY
A/K/A PATRICIA BULL KENNEDY
MICHAEL KENNEDY A/K/A MICHAEL JAMES KENNEDY

Case No: 14-29093 - ABA

Hearing Date: August 30, 2016

Judge: Andrew B. Altenburg, Jr

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: October 19, 2016


Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE (CWALT 2005-01CB)

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: LAW OFFICE OF JOEL R SPIVACK, Esquire

Property Involved ("Collateral"): 1302 SYLVANIA AVENUE, CINNAMINSON, NJ 08077-2715

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 6 months, from 4/1/2016 to 9/1/2016.

☒ The Debtor is overdue for 6 payments at \$2,175.76 per month.

☒ Applicant suspense funds in the amount of \$1,611.66.

Total Arrearages Due \$11,442.90.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$. Payment shall be made no later than _____.

☒ Beginning on 10/1/2016, regular monthly mortgage payments shall continue to be made.

☒ Beginning on 10/1/2016, additional monthly cure payments shall be made in the amount of \$1907.15 for 6 months.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment: Bayview Loan Servicing
4425 Ponce De Leon BLVD
5th Floor
Attn: Cash Dept
Coral Gables, FL 33146

☒ Monthly cure payment: See above

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay waiving FED.R. Bankr P 3002.1

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay waiving FED.R. Bankr P 3002.1

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay waiving FED.R. Bankr P 3002.1

5. Award of Attorneys' Fees:

☒ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.